IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR 13 AM 11:22
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: [initials] DEPUTY

Jan Jakub Tatarkiewicz)
)
Plaintiff) '08 CV 0469 H NLS
) **CIVIL ACT-NO.**
vs.)
) **COMPLAINT FOR DE NOVO NATURALIZATION AND/OR WRIT OF MANDAMUS**
Michael B. Mukasey, Attorney General of the United States, Michael Chertoff, Secretary of the Department of Homeland Security, Emilio T. Gonzales, acting Director of United States Citizenship and Immigration Services ("CIS"), Paul M. Pierre, District Director for California USCIS District, Robert S. Mueller III, Director of Federal Bureau of Investigations)
)
Defendants)
)

COMPLAINT FOR DE NOVO NATURALIZATION AND/OR MANDAMUS

I. BACKGROUND AND STATEMENT OF CASE AND FACTS

Plaintiff Jan Jakub Tatarkiewicz files this complaint for *de novo* Naturalization and/or Writ of Mandamus seeking the following relief: (1) Adjudication of his naturalization application that has been pending with the United States Citizenship and Immigration Service since July 14, 2005. This Court may grant de novo review of the application under INA section 336(b); 8 U.S.C. §1447(b), which gives the District Court jurisdiction over naturalization applications that have been pending for more than 120 days. 8 U.S.C. §1421, 8 U.S.C. §1427, 8 C.F.R. §§103.1(g)(2)(ii), and 316.2. Plaintiff also seeks declaratory and injunctive relief to protect his constitutional and statutory rights as lawful permanent resident ("LPR") for timely adjudication of his N-400 application for United States Citizenship.

Plaintiff is a lawful permanent resident who obtained his residency on February 18, 2000, through U.S. INS. [Exhibit 1, Resident Alien Card]. Petitioner presently resides in California within the jurisdiction of the San Diego District of United States Citizenship and Immigration Service ("USCIS").

Plaintiff has resided as a permanent resident in the United States for the required period of time before becoming eligible to apply for United States Citizenship (Immigration and Nationality Act (INA) §316(a), 8 U.S.C. §1427(a)).

On November 19, 2004 Plaintiff, who at that time was resident of the state of Massachusetts, paid the $390 fee for an application for citizenship and processing his fingerprints and submitted his application for adjudication by USCIS, in compliance with 8 C.F.R. §§316.4, 103.7.[1]

The application was received by USCIS St. Albans, VT Service Center on November 22, 2004 [Exhibit 2, Receipt of N-400 Application for Naturalization, application number issued and date recorded by US Immigration and Naturalization Service, 11/22/2004].

On March 5, 2005 he had an appointment at local Application Support Center in Boston, MA where he had his fingerprints taken [Exhibit 3, see Local AIW Stamp].

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[1] The fee for the N-400 Application for naturalization was at that time $390.00 per single application. 8 C.F.R. 103.7

On July 14, 2005 Jan Jakub Tatarkiewicz was interviewed in the USCIS office at JFK Federal Building Government Center, Boston, MA by the Officer of USCIS on the application for naturalization. He passed the required examination for English and Civics exam, INA§312(a)(1-2), 8 U.S.C. §1423(a)(1-2). [Exhibit 4, English and Civics Exam, N-652, Naturalization Interview Results]. At that time, he was told that his application was approved pending FBI "security" or "name" check. The officer told him that an average time for the name check was 90 days and he was supposed to contact the office in case he did not hear from them after that period of time. He was also told that once the name check was cleared, he would be scheduled for an oath ceremony. [Exhibit 4].

On November 16, 2005 Jan Jakub Tatarkiewicz sent a letter to local USCIS office in Boston to inquire about the status of his case and requesting that the case be processed. [Exhibit 5, copy of the letter]. There was no response. On November 30, 2005 he informed USCIS Change of Address Office about the change of his address of residence and received confirmation dated December 2, 2005 that the change of address was entered into the USCIS systems. [Exhibit 6, I-797C Notice of Action].

After checking on-line that the status of his Receipt Number cannot be found [Exhibit 7, Application Receipt Number ESC*001336035], on June 21, 2006 Jan Jakub Tatarkiewicz made a personal visit to local USCIS office in Boston, MA [Exhibit 8, USCIS Infopass appointment] to inquire about the status of his case and requesting that the case be processed. The officer T. C. Thomas told him that there's no particular reason why the FBI name check had been taking such a long time in his particular case except that "the system is not cooperating". However, three weeks later he received Fingerprint Notification with new appointment date [Exhibit 9, Biometrics Processing Stamp entered 7/8/06]. He was fingerprinted again on July 8, 2006 and noticed that his Social Security number was filed incorrectly. The Plaintiff asked for the change that was entered into the system.

On November 13, 2006, two years after the original application has been made, Jan Jakub Tatarkiewicz informed USCIS Change of Address Office about another change of his address of residence [Exhibit 10, copy of the form). He moved to San Diego, CA on Thanksgiving Day, 2006. On March 13, 2007 he sent a letter to USCIS San Diego Field Office, inquiring about the status of his application. [Exhibit 11, copy of the letter]. He received no response to this letter. Hence, after checking on-line the status of his application with negative result [Exhibit 12, screen copy of two pages], on June 8, 2007 Jan Jakub Tatarkiewicz made a personal visit to local USCIS office in Chula Vista, CA to inquire about the status of his case and requesting that the case be processed. [Exhibit 13, USCIS Infopass appointment]. He was not told of any particular reason why the name check had been taking such a long time in his particular case. However, the officer confirmed that on this very day his papers had just been transferred (after half a year) to Chula Vista, CA local USCIS Office from Boston, MA.

On July 17, 2007 Jan Jakub Tatarkiewicz made another personal visit to local USCIS office in Chula Vista to inquire about the status of his case and requesting that the case be processed. [Exhibit 14, USCIS Infopass appointment]. Again he was not told of any particular reason why the name check had been taking such a long time in his particular case.

On November 23, 2007 wife of Jan Jakub Tatarkiewicz, already US citizen for over two years, contacted the office of US Senator Duncan Hunter for assistance in getting the application processed. [Exhibit 15, letter to Senator Hunter; Exhibit 16, email from the Senator's office acknowledging the request for constituent services]. For over three months congressional staff aide in Senator's Hunter Office received no response from USCIS on why security checks of the plaintiff's name were still pending.

On January 17, 2008 Jan Jakub Tatarkiewicz made yet another personal visit to local USCIS office in Chula Vista, CA to inquire about the status of his case and requesting that the case be processed. [Exhibit 17, USCIS Infopass appointment]. Again he was not told of any particular reason why the name check had been taking such a long time in his particular case. However, he was told that his papers were transferred to USCIS office in San Diego and that he should expect a letter soon. No letter has been received since then.

Although having completed his application for United States Citizenship, Plaintiff has been waiting since July 14, 2005 for a decision on his application. Such inaction violates Plaintiff's statutory and constitutional rights. As a Lawful Permanent Resident, he has acquired all the rights and obligations federal law accords persons with legal permanent resident status.

Plaintiff is lawfully in United States and has the right to apply for United States Citizenship. The US Citizenship is a cherished privilege that brings with it the right to fully participate in our democracy – to vote, serve on a jury, and to hold a public office. United States Citizenship also allows certain individuals to engage in employment that is limited to United States Citizens. Citizenship protects such individuals from the over expanding web of civil and criminal offences that render an individual removable from the country. United States Citizenship confers the benefit of allowing such individuals to file petitions for other members of their family and in some cases shorten or eliminate the lengthy backlogs in family categories. Plaintiff, however, cannot fully enjoy these rights.

Plaintiff seeks mandamus relief ordering USCIS to immediately complete processing of his naturalization application. Alternatively, plaintiff seeks de novo review of his naturalization application under INA section 336(b), 8 U.S.C. §1447(b), which allows for jurisdiction in the united States District Court over naturalization claims that have been pending for more than 120 days after initial interview. Finally, plaintiff seeks declaratory and injunctive relief requiring Defendants to complete all necessary security checks and fully adjudicate Plaintiff's naturalization application forthwith.

II. JURISDICTION

1. This action arises under the construction of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 *et seq*., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub.L.No.104-208, 110 Stat 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. §701 *et seq*. This Court has jurisdiction under 28 U.S.C.

§1331, 1361, and 2201. This Court may grant relief pursuant to 28 U.S.C. §§1361, 2201, 2202, and 5 U.S.C. § 702 _et seq_.

2. Jurisdiction is not barred by the REAL ID Amendments to the judicial review provisions of the Immigration and Nationality Act since this action does not challenge a final removal order, or a discretionary determination. Pub.L.No. 109-13 (May 11,2005), amending INA Section 242; 8 U.S.C. 1252(b)(2)(B)(ii)(as amended by REAL ID), states that it applies to agency decisions and actions, "the authority" for which is specified "*under this title*" to be discretionary. The "title" referred to is Title II of the INA. See INA §310 *et seq*., 8 U.S.C. §1421 *et seq*. Thus, 8 U.S.C. §1252(b)(2)(B)(ii) is not an issue with regard to review of naturalization applications.

3. Should the Court review this case through Mandamus, jurisdiction is also not barred. Mandamus review is not available to challenge discretionary determinations. In this case, Plaintiff seeks adjudication of his naturalization application rather than approval of his naturalization application.

4. This complaint also arises under INA section 336(b), 8 U.S.C. §1447(b) that allows for *de novo* jurisdiction in the United States District Court over naturalization claims that are not adjudicated within 120 days of interview. 8 U.S.C. §1421, 8 U.S.C. §1427, 8 C.F.R. §103.1(g)(2)(ii), 8 C.F.R. §310.2, and 8 C.F.R. §316.3.

III. VENUE

5. Venue lies in the United States District Court for the Southern District of California because at least one defendant in this action resides in such district.

28 U.S.C. §1391(e). In addition, the Plaintiff resides in the jurisdiction of the San Diego District of USCIS, and a substantial portion of the events in this litigation occurred in this judicial district.

IV. PARTIES

6. Plaintiff, Jan Jakub Tatarkiewicz, is a lawful permanent resident of the United States and the resident of the State of California. He obtained his lawful permanent residency on February 18, 2000, through U.S. INS. [Exhibit 1, Resident Alien Card].

7. As a lawful permanent resident, he is protected by the Due Process Clause of the Fifth Amendment. Plaintiff has applied for United States Citizenship as allowed under Immigration and Nationality Act, paid his fees, and fully complied with all of the obligations of the application.

8. Defendant Paul M. Pierre is Director of San Diego District of USCIS. In his capacity as CIS District Director, he administers the immigration laws on behalf of the Secretary for Homeland Security in the state of California. In his position, he has decision-making authority with respect to the matters alleged in this complaint by Plaintiff whose immigration case is in the control of San Diego District Office. He has been delegated the authority under 8 C.F.R. §310.2 to control all activities within the San Diego District, including authority to grant or deny naturalization applications. He is sued in his official capacity.

9. Defendant Emilio T. Gonzalez is the acting Director of USCIS of the Department of Homeland Security. In his capacity as acting Director of USCIS, Mr. Gonzalez is responsible for the administration of immigration benefits and services

including the processing of citizenship applications, family and employment-based petitions, alien registration, and issuance of documentation evidencing immigration status and citizenship. As such, he has decision-making authority over the matters alleged in this complaint, specifically USCIS's failure to adjudicate the naturalization application and complete the necessary "name" checks in timely manner. INA §310, 8 U.S.C. §1421, *et seq*. He is sued in his official capacity.

10. Defendant Michael Chertoff is the Secretary of Homeland Security. He is charged with administering the USCIS and the implementation and enforcement of the Immigration and Nationality Act. As such, he has ultimate decision-making authority over the matters alleged in this complaint, specifically USCIS's failure to adjudicate the naturalization application and complete the "name" checks in timely manner. INA §310, 8 U.S.C. §1421, *et seq*. He is sued in his official capacity.

11. Defendant Robert S. Mueller is the director of the Federal Bureau of Investigations ("FBI"). As Director of the FBI, he is charged with administering the FBI and its various subsets. As such, he has ultimate decision-making authority over the matters alleged in this complaint, specifically, the timely processing of security checks for purposes of adjudication of naturalization applications. He is sued in his official capacity.

V. LEGAL FRAMEWORK

A. NATURALIZATION

12. Plaintiff is a lawful permanent resident of the United States having obtained his residency on February 18, 2000, through U.S. INS. [Exhibit 1, Resident Alien Card].

13. Plaintiff has resided as a lawful permanent resident for the required statutory period of time necessary to qualify his to be eligible to file for naturalization. INA §316(a).[2]

14. Beginning ninety days before the completion of the required residency period, applicants for naturalization may commence the application process by submitting form N-400 to the Service Center with jurisdiction over the applicant's place of residence for preliminary processing along with the required filing fees of $390.00. 8C.F.R. §§310.2; 334.2(a); 103.7. [Exhibit 2].

15. The Service Center processes the application and schedules the applicant for fingerprints and for an examination. 8 C.F.R. §310.2; 334.2(a). The case is then transferred to the District Office for the naturalization interview and examination.

16. The regulations require that the interview and examination cannot be scheduled until USCIS has received a definitive response from FBI that a full criminal background check of an applicant has been completed. 8 C.F.R. §335.2(b).

[2] For most individuals the period of residency required is five years of lawful permanent residency. INA §316(a), 8 U.S.C. §1427(a). For spouses of United States Citizens who are still living in marital union with such spouses, the period is three years. INA §319(a), 8 U.S.C. §1430(a). For certain other narrow classes, there is no residency period. INA §319(b-c); 8 U.S.C. §1430(b-c).

17. The fingerprints are conducted at a local Application Support Center and are electronically transmitted to the FBI. In most cases, the FBI processes and returns the results to USCIS within 24 hours.[3]

18. Currently, cases are being set for interview and examination in San Diego within 3 to 4 months from the time of filing.

19. The applicant must appear for an initial examination. INA §335(a); 8 U.S.C. §1446(a); 8 C.F.R. §335.1. At the examination, the applicant is interviewed regarding the responses on the N-400 to determine statutory eligibility for naturalization and to elicit all information on eligibility. 8 C.F.R. §335.2(a).

Generally, the applicant must demonstrate the required period of physical residency, good moral character during that period, and also demonstrate that he or she is positively disposed to principals of the United States Constitution and willing to take an oath of allegiance to the United States. 8 C.F.R. §335.2(a).

20. The applicant is also required to pass a test of English comprehension including written and spoken English, unless exempted. 8 C.F.R. §312.1(c)(1).

21. If there are deficiencies in the application, or the individual does not pass the English or civics examination, the applicant is offered the opportunity to overcome the deficiencies, and/or retake the examination. The applicant must be offered at least 60 days to overcome such deficiencies. 8 C.F.R. §335.3(b). If the person does not pass the English or civics exam, he or she will be offered a second opportunity to take the test within 90 days. 8 C.F.R. §312.5(a).

[3] This can be confirmed by contacting FBI directly at the following number (304) 625 2364 ext. 2506 or customer service ext. 5590 or at (304) 625-2846. Fingerprints clearance is different than name check clearance. It is the name check clearance that is at issue in this case.

22. Under all circumstances, the regulations require USCIS to schedule a second interview within the 120 days period after the initial application and/or make a decision to grant or deny a naturalization application within 120 days of the interview. 8 C.F.R. §335.3(a). The statute confirms that if USCIS does not make a decision within the 120 days period after the examination, the applicant may request that the U.S. District Court intervene either by deciding to naturalize the applicant or by ordering the USCIS to make a decision on the case. INA §336(b); 8 U.S.C. §1447(b).

23. The USCIS officer must grant the application if the applicant has complied with all the necessary requirements for naturalization. There is no discretion involved in these determinations. 8 C.F.R. §335.3(a).

24. If the application is denied, such denial must be within 120 days of the initial interview. 8 C.F.R. §336.1(a). Such denial must be written in narrative form and contain a concise, clear explanation of the facts, which serve as the basis for the denial, the section of law applicable which bars the applicant from admission to citizenship, and the legal reasons supporting the denial. 8 C.F.R. §336.1(b). It must also include an explanation of the applicant's right to administrative review. *Id.* This notice must be served in person or by certified mail at the applicants' last known address. 8 C.F.R. §336.1(c). The applicant and file are then transferred to the USCIS officer in charge of conducting administrative review of denials. 8 C.F.R. §335.4.

25. If the case is approved, the applicant is scheduled for an oath ceremony at which time the individual formally takes an oath of allegiance to the United States and receives his or her naturalization certificate. INA §337(a); 8 U.S.C. §1448(a).

26. Plaintiff has complied with all statutory and regulatory requirements for his application for naturalization. He is eligible for citizenship as a matter of law, and there is no apparent basis for the delay other than the pending name check.

27. Plaintiff has exhausted all administrative remedies on this case.

28. Since the date of the July 14, 2005 interview, the naturalization application has been pending for over 900 days as of the date of this filing.

VI. CLAIMS FOR RELIEF

Count One

Fifth Amendment

29. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 28 above.

30. Defendants' policies, practices or customs violate Plaintiff's Fifth Amendment substantive and procedural due process rights.

Count Two

Violation of INA

31. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 28 above.

32. Defendants' policies, practices or customs violate 8 U.S.C. § 1101 *et seq.* by denying Plaintiff his right to naturalization within 120 days of the interview on the naturalization application. INA §336(b); 8 U.S.C. §1447(b).

Count Three

Mandamus Action

28 U.S.C. §1361

33. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 28 above.

34. Defendants are charged with the responsibility of administering and implementing the Immigration and Nationality Act. Defendants bear sole responsibility for providing a determination of the "name" checks so as to approve the naturalization application within the statutory framework and timeline.

Defendants' failure to discharge their statutory obligations is injuring Plaintiff. Defendants should be compelled to perform a duty owed to Plaintiff. Namely, the clearance of the pending name check and the non-discretionary adjudication of the naturalization application.

Count Four

Administrative Procedures Act

5 U.S.C. §§701 *et seq.*

35. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 28 above.

36. By failing to clear name check within 120 day period after the naturalization interview, Defendants' practices and procedures violate the Administrative Procedures Act and constitute agency action that is arbitrary and capricious, and not in accordance with law. 6 U.S.C. §§701 *et seq*.

Count Five

Declaratory Judgment Act

37. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 28 above.

38. Plaintiff contends that Defendants actions are unconstitutional, violate the INA, are arbitrary and capricious, and seek a declaration to that effect. 28 U.S.C. §2201.

Count Six

Equal Access to Justice Act

38. If they prevail, Plaintiff will seek attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 5 U.S.C. §504 and 28 U.S.C. §2412.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully asks the Court to:

1. Assume jurisdiction over this matter;
2. Declare that Defendants' policies, practices and customs that deprive Plaintiff of his right to an adjudication of his naturalization application within the statutory 120 day timeframe violate the United States Constitution, the Immigration and Nationality Act and the Administrative Procedures Act;
3. Declare that Defendants' practices violate legal duties owed to Plaintiff under the Immigration and Nationality Act;
4. Enjoin Defendants to immediately clear the Plaintiff's name check and provide an immediate decision on the naturalization application;

5. Alternatively, assume jurisdiction over the naturalization case for de novo review under INA §336(b); 8 U.S.C. §1447(b);
6. Grant such other and further relief as may be just and proper.

Respectfully Submitted,

By: ______________________

/s/ Jan Jakub Tatarkiewicz
11043 Creekbridge Place
San Diego, CA 92128
Phone: (858) 733-1138
e-mail: kuba.tatarkiewicz@gmail.com

THE PLAINTIFF

APPENDIX

COMPLAINT FOR DE NOVO NATURALIZATION AND/OR MANDAMUS

Jan Jakub Tatarkiewicz, PLAINTIFF

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Copy of the DBI TENPRINTER Applicant Information Worksheet **P. 25**

4. EXHIBIT 4

Copy of the Interview Results at Local CIS Field Office **P. 26**

5. EXHIBIT 5

Copy of Letter to Local CIS Field Office w/inquiry about the status **P. 27**

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Copy of I-797C Notice of Action after change of the address **P. 28**

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17. EXHIBIT 17

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CERTIFICATE OF SERVICE

I, Lech J. Skrzeczkowski, hereby certify that I served a true and correct copy of the Petition for *de novo* Review of Naturalization Application and/or Writ of Mandamus upon the U.S. Attorney, by hand delivery on March 13, 2008 at the following address:

U.S. Attorney's Office
San Diego County Office
Federal Office Building
880 Front Street, Room 6293
San Diego, CA 92101-8893

And to the following party by hand delivery on March 13, 2008:

Chief Counsel
Citizenship and Immigration Services
880 Front Street, Ste 1234
San Diego, CA 92101

And to the following parties via first class mail on March 14, 2008:

Michael B. Mukasey,
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

Michael Chertoff, Emilio T. Gonzales, and Paul M. Pierre c/o:
Office of the General Counsel
United States Homeland Security
Washington, DC 20528

Peter Gregory, Chief of Commercial and Administrative Law Division
Office of the Principal Legal Advisor
Citizenship and Immigration Services
United States Department of Homeland Security
425 I Street NW, Room 6100
Washington, DC 20536

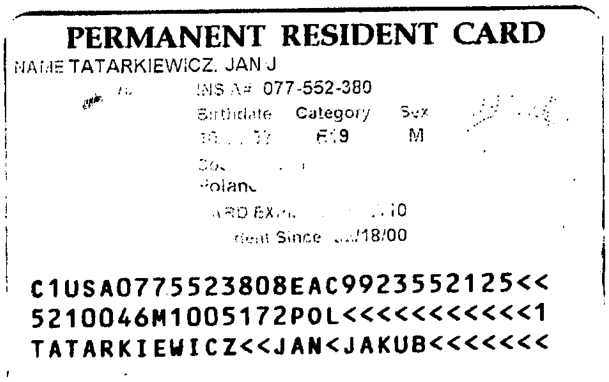
Robert S. Mueller, III c/o
Federal Bureau of Investigations
Office of General Counsel
Room 7427,
935 Pennsylvania Avenue, NW,
Washington, DC 20535-0001

Respectfully Submitted,

By: ______________

/s/ Lech J. Skrzeczkowski
10734 Chinon Circle
San Diego, CA, 92126
Phone: (858) 549-0725
e-mail: lechjs2000@yahoo.com

Exhibit 1



PERMANENT RESIDENT CARD

NAME TATARKIEWICZ, JAN J

INS A# 077-552-380

Birthdate [illegible] Category E19 Sex M

[illegible] Poland

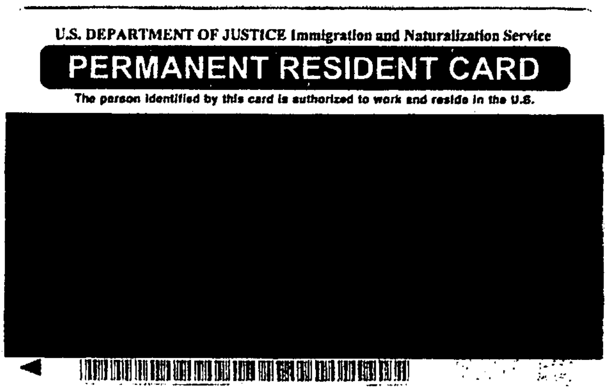
CARD EXPIRES [illegible]10

Resident Since [illegible]/18/00

C1USA0775523808EAC9923552125<<

5210046M1005172POL<<<<<<<<<<<<1

TATARKIEWICZ<<JAN<JAKUB<<<<<<<



U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

PERMANENT RESIDENT CARD

The person identified by this card is authorized to work and reside in the U.S.

[redacted]

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

THE UNITED STATES OF AMERICA

Receipt			NOTICE DATE November 29, 2004
CASE TYPE N400 Application For Naturalization			INS A# A 077 552 380
APPLICATION NUMBER ESC*001336035	RECEIVED DATE November 22, 2004	PRIORITY DATE November 22, 2004	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
JAN JAKUB TATARKIEWICZ
55 MAGAZINE STREET #67
CAMBRIDGE MA 02139

PAYMENT INFORMATION:

Single Application Fee:	$390.00
Total Amount Received:	$390.00
Total Balance Due:	$0.00

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: October 04, 1952
Address Where You Live: 55 MAGAZINE STREET #67
CAMBRIDGE MA 02139

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.

7002 3150 0000 4583 2903

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®

SAINT ALBANS, VT 05479

Postage	$ 0.83	UNIT ID: 0439
Certified Fee	2.30	Postmark Here
Return Reciept Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		Clerk: KPTZKH
Total Postage & Fees	$ 3.13	11/19/04

Sent To: USCIS / INS ; N-400 UNIT
Street, Apt. No.; or PO Box No.: 75 LOWER WELDON ST,
City, State, ZIP+4: ST. ALBANS, VT 05479-0001

PS Form 3800, June 2002 See Reverse for Instructions

tus of your case, please contact our office at the below address or customer service number.
led.

ervices, filing information, or INS forms, please call the INS National Customer Service
e call the NCSC TDD at **1-800-767-1833**.

sdoj.gov. Here you can find valuable information about forms and filing instructions, and
does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
75 LOWER WELDEN STREET
ST ALBANS VT 05479-

INS Customer Service Number:
(800) 375-5283

APPLICANT COPY

Exhibit 3

DBI TENPRINTER Applicant Information Worksheet (AIW)

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: TATARKIEWICZ (Last) JAN (First) JAKUB (Middle) ____ (Suffix)

DATE OF BIRTH: 1952 (Year) 10 (Month) 04 (Day) PHONE #: (858) 733 1138 (Cell) (617) 452 2430 (work)

PLACE OF BIRTH: LUBLIN/POLAND SEX: (Male or Female) MALE

RACE: Check the most appropriate code below:

____ American Indian or Alaskan Native ____ Black ✓ White (Hispanic also check)

____ Asian or Pacific Island ____ Unknown

HEIGHT: 6 Feet 1 Inches WEIGHT: 185 Pounds

EYE COLOR: Check the most appropriate code below:

____ Black ____ Brown ____ Green ✓ Gray ____ Pink ____ Hazel ____ Blue ____ Maroon

HAIR COLOR: Check the most appropriate code below:

____ Black ____ Bald ____ White ____ Sandy ✓ Red ✓ Gray ____ Blonde ____ Brown

COUNTRY OF CITIZENSHIP: POLAND

SOCIAL SECURITY NUMBER: 453 -- 53 -- 1565

ALIEN REGISTRATION NUMBER: A 077552280

LIST ANY OTHER NAMES YOU HAVE USED:

~~KUBA~~ (First)

Last / First / Middle / Suffix

RESIDENCE ADDRESS:

55 MAGAZINE (Street number and name) #67 (Apartment #) CAMBRIDGE (City) MA (State) 02139 (Zip Code)

REASON FOR FINGERPRINT APPLICATION: (I-485, I-589, I-600, I-821, N-400): N400

LOCAL AIW STAMP

FD-258 Completed at BCIS/ASC: **Boston, MA XBD**

On: 3-5-03 By: 8758

QC Check Completed By: 8117

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

JUL 1 4 2005

A#: [illegible]

~~JUL X7 2005~~ J.

On [redacted] you were interviewed by USCIS officer [redacted].

☒ You passed the tests of English and U.S. history and government.

☐ You passed the tests of U.S. history and government and the English language requirement was waived.

☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.

☐ You will be given another opportunity to be tested on your ability to ________ speak/________ read/________ write ________ English.

☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.

☐ Please follow the intructions on Form N-14.

☐ USCIS will send you a written decision about your application.

☐ You did not pass the second and final test of your ________ English ability/ ________ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) ________ **Congratulations! Your application has been recommended for approval.** At this time it appears that you have established your eligibility for naturlaization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) ___X___ **A decision cannot yet be made about your application.**

It is very important that you:

☑ Notify USCIS if you change your address

☑ Come to any scheduled interview.

☑ Submit all requested documents.

☑ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.

☑ Go to any Oath Ceremony that you are scheduled to attend.

☑ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

Exhibit 5

November 16, 2005

Jan Jakub Tatarkiewicz
55 Magazine Street #67
Cambridge, MA 02139

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®

BOSTON, MA 02203

Postage	$ 0.37	UNIT ID: 0142
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		Clerk: KFV2JN
Total Postage & Fees	$ 2.67	11/16/05

7005 0390 0002 6799 1718

Sent To: USCIS Boston District Office
Street, Apt. No., or PO Box No.: JFK Fed Bldg, Gov Center
City, State, ZIP+4: Boston, MA 02203

PS Form 3800, June 2002 — See Reverse for Instructions

USCIS, Boston District Office
JFK Federal Building
Government Center
Boston, MA 02203
ATTN. Status Inquiry

re: Application A077552380

Dear Sirs,

Over 120 days ago, on July 14th 2005, I passed the tests of English and U.S. history and government (see enclosed form N-652). I was fingerprinted on 3/5/05.

After the interview, I haven't heard from your office. In the mean time my wife and son were already sworn as U.S. citizens. I do not know why there's such a long delay in my case.

Please, let me know what is the status of my application and what is the projected time of the next step(s).

Regards,

/Jan J. Tatarkiewicz/
Born 10/4/1952 Lublin, Poland
SocSec #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

THE UNITED STATES OF AMERICA

JAN TATARKIEWICZ
77 MASS AVE 24 030D0
CAMBRIDGE, MA 02139

Received Date: 30-NOV-05
Notice Date: 02-DEC-05
Applicant Name: JAN TATARKIEWICZ
Alien Number: 077552380
Main Phone #: 858-733-1138
Second Phone #:

Dear Applicant:

We have processed your change of address request and updated our systems to include your new address. Future correspondence from INS regarding your application will be sent to the mailing address on this notice.

Mailing Address
77 MASS AVE 24 030D0
CAMBRIDGE, MA 02139

Residence Address
77 MASS AVE 24 030D0
CAMBRIDGE, MA 02139

Thank you for using our new change of address by phone system. It is one of several new services that the INS is offering to improve the naturalization process and increase the satisfaction of our customers.

Internal Use Only: Call Number: 210326641

U. S. Citizenship and Immigration Services

TEXT ONLY HOME WHAT'S NEW FAQS SEARCH GLOSSARY FEEDBACK TRANSLATE PRINTPAGE

Immigration Services and Benefits

National Customer Service Call Center (NCSC)

Call Scripts and Information

Case Status Online

Case Status Search

Register

Login

Case Status FAQ's

Case Status Search Page

To view the status of a case, please enter the corresponding application receipt number. The 13-character application receipt number can be found on application notices you have received from the USCIS. It begins with three letters such as (EAC, WAC, LIN, or SRC). Dashes ("-") should be omitted when entering a receipt number. However, all other characters, including asterisks ("*"), can be included if listed on your notice as part of the receipt number. See the FAQs for additional information on this system.

Application Receipt Number ESC*001336035

Search

U. S. Citizenship and Immigration Services

TEXT ONLY HOME WHAT'S NEW FAQS SEARCH GLOSSARY FEEDBACK TRANSLATE PRINTPAGE

Immigration Services and Benefits

National Customer Service Call Center (NCSC)

Call Scripts and Information

Case Status Online

Case Status Search

Register

Login

Case Status FAQ's

Case Status

The status for this Receipt Number cannot be found at this time in this automated system. Please check your case receipt number to see if it is correct. If you have questions or concerns about your case status, please contact the National Customer Service Center.

National Customer Service Center (800) 375-5283

New Search

06-19-2006 05:11 PM EDT

Exhibit 8

INFOPASS
Your e-Ticket to Immigration Information.

Name: Jan Jakub Tatarkiewicz

Appointment Type: Speak to immigration officer

Confirmation No.: BOS-06-27304

Authentication Code: 1093

Appointment Date: June 21, 2006

Appointment Time: 8:15 AM

Location: JFK FEDERAL BUILDING, GOVERNMENT CENTER, Boston, MA 02203; Room E-160

This is your Confirmation Number:

BOS-06-27304

If you wish to cancel this appointment, you will need the following Personal Identification Number:

80137

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**
- **Please note, if you need to file an I-90 application to replace an expired Form I-551 "Green Card", you cannot make an appointment using Infopass. These application must be filed at the Application Support Center on 170 Portland Street in Boston.**

Exhibit 9

FINGERPRINT NOTIFICATION

N400
Date: 06/29/2006
TATARKIEWICZ, JAN JAKUB
77 MASSACHUSETTS AVE 24-0301 — M I T
CAMBRIDGE, MA 02139

A Number: A077552380
DOB: 10/04/1952

Dear Applicant:

To process your application, Citizenship & Immigration Services (CIS) must take your fingerprints and have them cleared by the FBI. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.** If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. **Rescheduling your appointment will delay your application. If you fail to appear as scheduled below or fail to request rescheduling, your application will be considered abandoned.**

APPLICATION SUPPORT CENTER
U.S. CITIZENSHIP & IMMIGRATION SERVICES
U.S. CIS APPLICATION SUPPORT CENTER
170 PORTLAND STREET
BOSTON, MA 2203

DATE AND TIME OF APPOINTMENT
07/08/2006 8:00 AM

PROCESSING STAMP
REVIEW BY
7-8-06

WHEN YOU GO TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:
1) THIS LETTER and
2) PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.
Please be reminded that you must bring this letter and proper photo identification to have your fingerprints taken, and prevent further delay in the processing of your application.

Please inform the office listed below immediately of any address changes.
If you have any questions regarding this notice, please feel free to call the Citizenship & Immigration Services CUSTOMER SERVICE NUMBER at **1-800-375-5283**

PLEASE DO NOT APPEAR MORE THAN 15 MINUTES BEFORE YOUR SCHEDULED APPOINTMENT TIME.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon.

The Citizenship & Immigration Services cannot guarantee the day preferred, but will do its best to accomodate you.
Upon receipt of your request, you will be provided a new appointment notice. Please mail your request in to:

U.S. CITIZENSHIP & IMMIGRATION SERVICES
JFK FEDERAL BUILDING GOVERMENT CENTER
BOSTON, MA 2203

YOU MUST RETURN THIS ENTIRE NOTICE TO BE RESCHEDULED IN A TIMELY MANNER.

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.

Department of Homeland Security
Bureau of Citizenship and Immigration

OMB No. 1615-0007; Exp. 10/31/04

Alien's Change of Address Card

NAME (Last in CAPS) (First) (Middle)
TATARKIEWICZ JAN JAKUB

I AM IN THE UNITED STATES AS:
☐ Visitor ☒ Permanent Resident
☐ Student ☐ Other . . . . (Specify)

COUNTRY OF CITIZENSHIP: POLAND
DATE OF BIRTH: 10/04/1952
COPY NUMBER FROM ALIEN CARD: A 077-552-380

PRESENT ADDRESS (Street or Rural Route) (City or Post Office) (State) (ZIP Code)
11043 CREEKBRIDGE PLACE SAN DIEGO CA 92128

(IF ABOVE ADDRESS IS TEMPORARY) I expect to remain there N/A years N/A months

LAST ADDRESS (Street or Rural Route) (City or Post Office) (State) (ZIP Code)
24-030D MIT 77 MASS AV. CAMBRIDGE MA 02139

I WORK FOR OR ATTEND SCHOOL AT: (Employer's Name or Name of School)
UCSD (after 12/1/2006)
(Street Address or Rural Route) (City or Post Office) (State) (ZIP Code)

PORT OF ENTRY INTO U.S.	DATE OF ENTRY INTO U.S	IF NOT A PERMANENT RESIDENT, MY STAY IN THE U.S. EXPIRES ON: (Date)
BOSTON	10/26/1996	
SIGNATURE [signature]	DATE 11/13/06	

AR-11 (Rev. 06/17/03)

COPY

ALIEN'S CHANGE OF ADDRESS CARD

This card is to be used by all aliens to report change of address within 10 days of such change.

The collection of this information is required by Section 265 of the I&N Act (8 U.S.C. 1305). The data used by the Bureau of Citizenship and Immigration Service for statistical and record purposes and may be furnished to federal, state, local and foreign law enforcement officials. Failure to report is punishable by fine or imprisonment and/or deportation.

This card is not evidence of identity, age, or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an a information collection and a person is not required to respond to a currently valid OMB control number. We try to create forms and in understood, and which impose the least possible burden on you to difficult because some immigration laws are very complex. This c average 5 minutes per response, including the time for reviewing i gathering and maintaining the data needed, and completing and r comments regarding this burden estimate or any other aspect of t reducing this burden to: Bureau of Citizenship and Immigration Se Washington, DC 20536; OMB No. 1615-0007. ***Do not mail your*** YOUR FORM TO THE ADDRESSES SHOWN BELOW:

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commerc
U.S. DE
Bureau
Change
1084-I
London, KY 40744

ORIGINAL SENT HERE

7005 0390 0000 2897 4608

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®

LONDON KY 40742

Postage	$ $0.39	0439
Certified Fee	$2.40	Postmark Here
Return Receipt Fee (Endorsement Required)	$0.00	
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$ $2.79	11/13/2006

CAMBRIDGE MA MIT PO 02139 USPS

Sent To: USCIS
Street, Apt. No.; or PO Box No.: Change of Address
City, State, ZIP+4: London, KY 40742

PS Form 3800, June 2002 See Reverse for Instructions

Exhibit 11

March 13, 2007

Jan Jakub Tatarkiewicz
11043 Creekbridge Place,
San Diego, CA 92128

7006 0810 0004 0009 7238

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

Postage	$ .63
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.03

Postmark Here

Sent To: USCIS SAN DIEGO OFFICE
Street, Apt. No.; or PO Box No.: 880 FRONT ST, SUITE B 268
City, State, ZIP+4: SAN DIEGO, CA 92101-8834

PS Form 3800, June 2002 See Reverse for Instructions

USCIS, San Diego Field Office
880 Front Street, suite B268
San Diego, CA 92101-8834
Attn: Status Inquiry

re: Aplication A077552380/ESC*001336035

Dear Sirs,

Over two years ago I applied for US Citizenship in USCIS Boston District Office (see enclosed documents). In June 2005 I passed the so-called civics test. I waited until June 2006, when I visited the office again - I was told to wait for FBI background checks. Three weeks later I was asked to submit myself to fingerprinting again. In November 2007 I moved to California - I informed both Boston and San Diego USCIS offices about my move. I haven't heard anything about the status of my application since then - for more than 100 days.

Please, let me know what is the status of my application. I'd like to add that both my wife and my son, who applied for citizenships at the same time, have been sworn nearly two years ago - here in San Diego.

Regards,

/Jan J. Tatarkiewicz/
born 10/4/1952 Lublin, Poland
Social Security number 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

Exhibit 12

U.S. Citizenship and Immigration Services

Home Contact Us Site Map FAQ

Search

Advanced Search

GO

Services & Benefits | Immigration Forms | Laws & Regulations | About USCIS | Education & Resources | Press Room

Change Of Address

Services While Your Case is Pending

Civil Surgeons

Processing Times

Case Status Online

Case Status Search

Register

Login

Validation Error(s)

You must correct the following error(s) before proceeding:

- Case Status Retrieval Failed
- Status for this Receipt Number cannot be found at this time in this automated system. Please check your case receipt number to see if it is correct. If you have questions or concerns about your case status, please contact Customer Service at 1-800-375-5283.

To view the status of a case, please enter the corresponding application receipt number. The 13-character application receipt number can be found on application notices you have received from the USCIS. It begins with three letters such as (EAC, WAC, LIN, or SRC). Dashes ("-") should be omitted when entering a receipt number. However, all other characters, including asterisks ("*"), can be included if listed on your notice as part of the receipt number. See the FAQs for additional information on this system.

34

Application Receipt Number: ESC*001336035

Search

05-30-2007 02:24 PM EDT

Home Contact Us Privacy Policy Website Policies NoFEAR Freedom Of Information Act FirstGov

U.S. Department of Homeland Security

Exhibit 13

INFOPASS
Your e-Ticket to Immigration Information.

Name: Jan Jakub Tatarkiewicz

Appointment Type: Question about case

Confirmation No.: CHV-07-19084

Authentication Code: 16eff

Appointment Date: June 8, 2007

Appointment Time: 11:30 AM

Location: 1261 THIRD AVE, SUITE A, Chula Vista, CA 91911; LOBBY

This is your Confirmation Number:

CHV-07-19084

If you wish to cancel this appointment, you will need the following Personal Identification Number:
44864

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**
- **Effective 4/1/05 Adjustment of Status Applications will be sent by Direct Mail to: USCIS, P.O. Box 805887, Chicago, IL 60680-4120**

Exhibit 14

INFOPASS
Your e-Ticket to Immigration Information.

Name: Jan Jakub Tatarkiewicz

Appointment Type: Question about case

Confirmation No.: CHV-07-24389

Authentication Code: 16eff

Appointment Date: July 17, 2007

Appointment Time: 9:15 AM

Location: 1261 THIRD AVE, SUITE A, Chula Vista, CA 91911; LOBBY

This is your Confirmation Number:

CHV-07-24389

If you wish to cancel this appointment, you will need the following Personal Identification Number:
29381

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**
- **Effective 4/1/05 Adjustment of Status Applications will be sent by Direct Mail to: USCIS, P.O. Box 805887, Chicago, IL 60680-4120**

Exhibit 15

November 23, 2007

Congressman Duncan Hunter
1870 Cordell Ct. Ste 206
El Cajon, CA 92020

The Honorable Duncan Hunter,

Recently, I saw you several times on TV and I was impressed by your energy and persistence in helping to fight wild fires in San Diego. Therefore, I hope to get similarly effective and fast assistance from you in solving the problem pertaining my family, i.e. my husband's naturalization.

By the end of 2004, our family applied for American citizenship and within only six month my son and I took the oath of allegiance and became Americans. That was one of the most joyful days in our lives.

Unfortunately, my husband Jan Tatarkiewicz despite successfully passed tests of English and U.S. history, is still waiting for an invitation to the oath ceremony. Several inquires at USCIS about the status of his application resulted in more fingerprinting and always ended up with the same response that FBI security checks are pending.

There are at least three reasons, why we think that probably he has been a victim of some bureaucratic errors or negligence:

- First of all, we came from Poland, which has been in a strong political and military alliance with U.S.A. for nearly 20 years. The example of my son and myself shows that the whole procedure of security checks for Polish citizens can last just few weeks.
- Secondly, my husband already went once through very similar process in 2005, when within three weeks he received TSA permission to access military airport in Bedford, MA. At this point, he could fulfill his lifetime dream of taking flying lessons to get a pilot's license.
- Lastly, during one of many visits to USCIS offices, my husband learned about an error in his Social Security Number. This error was supposed to be corrected but it is possible that the wrong number is still lingering on some of documents regarding his application at USCIS or FBI. (Obviously, we do not know the incorrect number.)

My husband and I have moved to United States of America more than 10 years ago and since then we have been loyal to this country. Our high education at a Ph.D. level was appreciated by the most prestigious academic centers - Harvard University and Massachusetts Institute of Technology, where we worked for several years. We belong to 5% of citizens, who pay the highest income taxes in this country. It has been especially frustrating for my husband that he still does not have his representatives in Congress and Senate. I hope that with your help, he soon will be able to cast his votes.

Bellow, you will find the table with more details about my husband's naturalization process and also attached his privacy release form (based on the Federal Privacy Act) that will allow you to pursue the case with USCIS and FBI on his behalf. Based on information from USCIS, it is plausible that his files have been misplaced somewhere at FBI.

I would like to thank you very much in advance for your help in resolution of Jan's application for American citizenship. Please let me know if you need any more information about his case.

Krystyna Tatarkiewicz, Ph.D.

Krystyna Tatarkiewicz, Ph.D.
11043 Creekbridge Place, San Diego, CA 92128
Phone: (858) 504 0496; E-mail: ktatarkiewicz@san.rr.com

#	*Date*	*Jan JakubTatarkiewicz*	*Krystyna and Franciszek Tatarkiewicz*
1	November, 2004	Applied for American citizenship; Boston, MA	Applied for American citizenship; San Diego, CA
2	May, 2005	-	Passed test for English and American history; San Diego, CA
3	June, 2005	-	Became American citizens; San Diego, CA
4	July, 2005	Passed test for English and American history, advised to wait for invitation to naturalization ceremony; Boston, MA	
5	July, 2005	Received TSA clearance for airport access, Bedford, MA	
6	June, 2006	Case status inquiry at USCIS: another finger printing, learned about an error in his Social Security Number; Boston, MA	
7	November, 2006	Informed USCIS about move to San Diego, CA	
8	June, 2007	Case status inquiry at USCIS: learned that files have just been transferred from Boston, advised to inquiry again; San Diego, CA	
9	August, 2007	Case status inquiry at USCIS: learned that FBI security checks are pending; San Diego, CA	

Exhibit 16

From: "Holly Hough" <Holly.Hough@mail.house.gov>
Subject: **N-400 for Jan Tatarkiewicz**
Date: November 27, 2007 1:47:37 PM PST
To: <ktatarkiewicz@san.rr.com>

Dear Krystyna and Jan,

Thank you for your letter to Congressman Hunter regarding the N-400 application filed by Jan. I have sent an inquiry to the USCIS liaison in San Diego and will let you know when I have a response. For future correspondence, please provide a contact email for Jan.

Thank you,

Holly Hough

Congressional Staff Aide

Congressman Duncan Hunter

619-448-5201, fax 619-449-2251

Exhibit 17

INFOPASS
Your e-Ticket to Immigration Information.

Name: Jan Jakub Tatarkiewicz
Appointment Type: Question about case
Confirmation No.: CHV-08-1290   **Authentication Code:** 16eff
Appointment Date: January 17, 2008
Appointment Time: 10:45 AM
Location: 1261 THIRD AVE, SUITE A, Chula Vista, CA 91911; LOBBY

This is your Confirmation Number:

CHV-08-1290

If you wish to cancel this appointment, you will need the following Personal Identification Number:
10265

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.**
- **Effective 4/1/05 Adjustment of Status Applications will be sent by Direct Mail to: USCIS, P.O. Box 805887, Chicago, IL 60680-4120**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 148737 - SH
*** * C O P Y * ***
March 13, 2008
11:24:34

Civ Fil Non-Pris
USAO #.: 08CV0469
Judge..: MARILYN L HUFF
Amount.: $350.00 CK
Check#.: PC1248

Total-> $350.00

FROM: TATARKIEWICZ

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
JAN J. TATARKIEWICZ

DEFENDANTS FILED 08 MAR 13 AM 11:24 CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)
11043 CREEKBRIDGE PL.
SAN DIEGO, CA 92128

County of Residence of First Listed Defendant WASHINGTON, DC
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known) '08 CV 0469 H NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☐ 445 Amer. w/Disabilities - Employment
☐ 446 Amer. w/Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt.Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☒ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 8 U.S.C § 1447(B) 336(b)
Brief description of cause: COMPLAINT FOR DENOVO NATURALIZATION AND/OR WIT OF MANDAMUS

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND $ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 3/13/08 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 148737 AMOUNT $350 APPLYING IFP JUDGE MAG. JUDGE

SJ 3/13/08

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